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IN THE

Supreme Court of the United States

October Term, A. D. 1956

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA,
Complainants,
v.
STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO,
Defendants.

No. 2 Original

STATE OF MICHIGAN,
Complainant,
v.
STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, *et al.*,
Defendants.
STATES OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI and ARKANSAS,
Intervening Defendants.

No. 3 Original

STATE OF NEW YORK,
Complainant,
v.
STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, *et al.*,
Defendants.

No. 4 Original

REPLY OF THE STATE OF NEW YORK TO MOTION OF THE STATE OF ILLINOIS FOR EXTENSION TO FEBRUARY 28, 1957 OF THE DECREE AUTHORIZING EMERGENCY DIVERSION.

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BATAVIA TIMES, LAW PRINTERS,
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To the Honorable The Chief Justice and Associate Justices of the Supreme Court of the United States:

The State of New York, by Louis J. Lefkowitz, its Attorney General, does not oppose the motion of the State of

Illinois for extension to February 28, 1957 of the decree of this Court entered December 17, 1956 temporarily modifying the decree of this Court issued April 21, 1930 "to permit the diversion to and including the 31st day of January 1957, from the Great Lakes St. Lawrence system into the Illinois Waterway and the Mississippi River of such amount of water not exceeding an average of 8500 cubic feet a second, in addition to domestic pumpage, as the Corps of Engineers, United States Army, shall determine will be useful in alleviating the emergency with respect to navigation currently existing without seriously interfering with navigation on the Illinois waterway, at such times and in such amounts as the Corps of Engineers shall direct", provided that the decree allowing such extension contains the same terms and conditions set forth in the decree dated December 17, 1956, with the necessary exception of the change in the date of January 31, 1957 to February 28, 1957.

The reasons why the State of New York does not oppose the present motion of the State of Illinois are set forth in the answer of the State of New York to the petition of the State of Illinois pursuant to which the decree of December 17, 1956 was made. Since the State of New York did not oppose the petition of the State of Illinois for a temporary modification of the decree of April 21, 1930 for a period of 100 days, the present position of the State of New York is consistent with the position set forth in its answer.

The State of New York will, however, oppose any extension of the decree of December 17, 1956 beyond February 28, 1957, particularly if further extension of the decree is sought to relieve an alleged emergency in navigation caused by low water on the Mississippi River because there

exist other means of remedying such a condition than by diverting water from the Great Lakes St. Lawrence system.

Dated: January 17, 1957.

Respectfully submitted,

LOUIS J. LEFKOWITZ,
Attorney General of the State
of New York,

By:

JAMES O. MOORE, JR.,
Solicitor General of the State
of New York.